

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KIMMARIE NORMAN, Individually or and
on Behalf of all Others Similarly Situated,

22cv3176 (JPO)(OTW)

Plaintiffs

- against -

THREE IN ONE EQUITIES, LLC and MI
BANDERA GROCERIES & MEATS INC.,

Defendants

ORDER AND JUDGMENT

This matter came before the court on Plaintiff's application for entry of default judgment against Defendant Three In One Equities, LL, under Rule 55(b)(2) of the Federal Rules of Civil Procedure. After having considered the arguments and authorities submitted by the Plaintiff, the Court finds as follows:

1. On April 18, 2022, Plaintiff Kimmarie Norman commenced the current action against Defendants seeking injunctive and declaratory relief, as well as compensatory and statutory damages, Dkt. Doc. # 1.

2. Plaintiff alleged that Three In One LLC and Mi Bandera Groceries & Meats Inc.'s place of public accommodation violated the Americans with Disabilities Act, 42 U.S.C. § 12182, New York State Human Rights Law § 296.2, New York State Civil Rights Law §§ 40-c and 40-d, and New York City Human Rights Law §§ 8-107.4 and § 8-107.15.

3. On December 7, 2023, the Clerk recognized that Defendant Three In One Equities, LLC was properly served and failed to appear or otherwise defend, and issued a Certificate of Default. Dkt. Doc. #55.

4. On January 12, 2024, Plaintiff moved for Default Judgment, Permanent Injunction, and Attorney's Fees and Costs. Dkt. Docs. # 58 – 62.

5. On January 17, 2024, Plaintiff filed a certificate of service of the motion for default papers served against Defendant Three In One Equities, LLC. Dkt. Doc. # 63.

6. Defendant Three In One Equities, LLC has not responded or requested an extension of time to respond.

THEREFORE, IT IS ADJUDGED AND ORDERED that:

1. Defendant Three In One Equities, LLC is in violation of Title III of the Americans with Disabilities Act, 42 U.S.C. § 12182 (hereinafter "ADA"), New York State Civil Rights Law § 40-c and 40-d, New York State Human Rights Law § 296 *et seq*, and New York City Human Rights Law, Admin. Code §§ 8-107.4 and § 8-107.15..

2. Defendant Three In One Equities, LLC is enjoined from discriminating against Plaintiff in violation of Title III of the Americans with Disabilities Act, 42 U.S.C. § 12182 (hereinafter "ADA"), New York State Civil Rights Law § 40-c and 40-d, New York State Human Rights Law § 296 *et seq*, and New York City Human Rights Law, Admin. Code §§ 8-107.4 and § 8-107.15.

3. Defendant Three In One Equities, LLC is ordered to remove all readily achievable barriers in its public accommodation in compliance with the ADA, New

York State Human Rights Law § 296 *et seq*, and New York City Human Rights Law, Admin. Code § 8-107, *et seq*.

4. Defendant Three in One Equities LLC is ordered to pay compensatory damages to Plaintiff in the amount of \$10,000.

5. Defendant Three in One Equities LLC is ordered to pay statutory damages pursuant to New York State Civil Rights Law 40-d and 40-c to Plaintiff in the amount of \$500.

6. The Court awards Plaintiff with reasonable attorney's fees and costs, and orders Defendant Three In One Equities, LLC to pay Plaintiff the amount of \$23,071.00 in attorney's fees, and costs in the amount of \$665.49. The total sum of compensatory and statutory damages, and attorney's fees and costs is \$34,236.49.

The Clerk of Court is directed to close this case.

Dated: March 26, 2024
New York, New York



J. PAUL OETKEN
United States District Judge